

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA)
) No. 1-09-cr-158
v.)
)
CHRISTOPHER B. JACK)

ORDER

United States Magistrate Judge William B. Mitchell Carter filed his report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Criminal Procedure 59(A) [Court Doc. 34]. Neither party filed objections within the given 14 days.

After reviewing the record, the Court agrees with Magistrate Judge Carter's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1)(B) and Rule 59(A).

Accordingly, the Court **ORDERS** that Defendant's motion to suppress as to evidence found on the premises be **DENIED**. The undersigned finds defendant voluntarily and intelligently waived his *Miranda* rights before law enforcement began questioning him, but defendant revoked this waiver when he said "I* plead the fifth." Defendant's motion to suppress his statements made to agents on September 2, 2009 before he said, "I plead the fifth" is **DENIED**, and his motion to suppress his statements made to agents on September 2, 2009 after he said, "I plead the fifth" is **GRANTED**.

SO ORDERED this 17th day of June, 2010.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE